

42 AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Schakowsky OF Illinois, OR Her
DESIGNEE, DEBATABLE FOR 5 MINUTES:

5/1
Revised

**AMENDMENT TO H.R. 5658, AS REPORTED
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS**

At the end of subtitle C, add the following new section:

1 SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRAC-
2 TORS OF INHERENTLY GOVERNMENTAL
3 FUNCTIONS IN AN AREA OF COMBAT OPER-
4 ATIONS.

5 (a) MODIFICATION OF REGULATIONS.—Not later
6 than 60 days after the date of the enactment of this Act,
7 the regulations prescribed by the Secretary of Defense
8 pursuant to section 862(a) of the National Defense Au-
9 thorization Act for Fiscal Year 2008 (Public Law 110-
10 181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modi-
11 fied to ensure that private security contractors are not au-
12 thorized to perform inherently governmental functions in
13 an area of combat operations.

14 (b) GUIDANCE.—After the issuance of regulations to
15 implement the actions required by section 322 of this Act,
16 the Secretary of Defense shall issue supplementary guid-
17 ance to describe functions that should not be performed
18 by private security contractors because they constitute in-
19 herently governmental functions.

1 (c) PERIODIC REVIEW OF PERFORMANCE OF FUNC-
2 TIONS.—

3 (1) IN GENERAL.—The Secretary of Defense
4 shall, in coordination with the heads of other appro-
5 priate agencies, periodically review the performance
6 of private security functions in areas of combat op-
7 erations to ensure that such functions are authorized
8 and performed in a manner consistent with the re-
9 quirements of this section.

10 (2) REPORTS.—Not later than June 1 of each
11 of 2009, 2010, and 2011, the Secretary shall submit
12 to the congressional defense committees a report on
13 the results of the most recent review conducted
14 under paragraph (1).

